

## **EXHIBIT 8**

6/22/2005 Trial Transcript (Jang) B

1 - VOLUME B -  
2  
3 IN THE UNITED STATES DISTRICT COURT  
4 IN AND FOR THE DISTRICT OF DELAWARE  
5

6 BOSTON SCIENTIFIC CORPORATION, : CIVIL ACTION  
7

8 Plaintiff :  
9

10 vs. :  
11

12 CORDIS CORPORATION and :  
13 JOHNSON & JOHNSON, INC., :  
14

15 Defendants : NO. 03-27 (SLR)  
16 -----  
17 BOSTON SCIENTIFIC SCIMED, INC., : CIVIL ACTION  
18 and BOSTON SCIENTIFIC :  
19 CORPORATION, :  
20

21 Plaintiffs :  
22

23 vs. :  
24

25 CORDIS CORPORATION and :  
JOHNSON & JOHNSON, INC., :  
Defendants : NO. 03-283 (SLR)

18 -----  
19 Wilmington, Delaware  
20 Wednesday, June 22, 2005  
21 9:22 o'clock, a.m.  
22 -----  
23 BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge, and a jury  
24 -----  
25 Valerie J. Gunning and  
Leonard A. Dibbs,  
Official Court Reporters

**6/22/2005 Trial Transcript (Jang) B**

1 MR. DeLUCIA: Thank you.

2 MR. DISKANT: Our last issue is Jang. Where  
3 we last left it, your Honor recalls, we had asked and  
4 your Honor had urged BSC to obtain from Dr. Jang an  
5 undertaking to be bound by the outcome of this case.  
6 They do not have such an undertaking. They continue  
7 to say that Dr. Jang is available to them. They say  
8 they could produce him as a witness, but are electing  
9 not to. Instead want to designate deposition testimony.  
10 That's a separate issue. We'll object to that in its  
11 time.

12 But let me be clear so that no one misquotes  
13 me in five years. If Jang does sue us, we will argue  
14 vigorously that he is collaterally estopped by this  
15 outcome based on this agreement with BSC. And I  
16 understand BSC intends to support us in that argument  
17 if we have to make it.

18 - - -

19 MR. DISKANT (Continuing): But that gives Dr.  
20 Jang a lawsuit. He is under an agreement to cooperate  
21 with BSC and yet refuses to provide an undertaking to be  
22 bound by the outcome of this case.

23 Now, I understand we're ready to go forward,  
24 but I think we do face a risk. I would like, at a  
25 minimum, BSC to undertake to indemnify us on this patent

6/22/2005 Trial Transcript (Jang) B

1 after this litigation and for BSC to pay the cost of the  
2 defense, and the cost of any judgment, if there is one.

3 - - -

4 MR. DISKANT (Continuing): I don't see how we  
5 can otherwise know we're protected.

6 THE COURT: Well, at the very minimum -- and  
7 I'm not going to make that decision at this point -- I  
8 am going to state for the record that if Dr. Jang has  
9 any inclination that he is not bound by what's happening  
10 here, he needs to let me know that, and I am going to  
11 require counsel for Boston Scientific to take a copy of  
12 this transcript and make sure that he gets a copy of it  
13 so that if he has any doubts about what is happening  
14 here in the courtroom today, he let's me know about it  
15 now, and not five years from now.

16 So is that understood by counsel for Boston  
17 Scientific?

18 MR. DESMARAIS: Yes your Honor. We've made  
19 that clear to him and we'll make it clear by showing him  
20 the transcript.

21 THE COURT: All right.

22 MR. DESMARAIS: Just for the record, I'm happy  
23 to agree with Mr. Diskant. I believe Dr. Jang would be  
24 bound by this result anyway, so I think we're all in  
25 agreement here.

6/22/2005 Trial Transcript (Jang) B

1           THE COURT: All right.

2           MR. DISKANT: Thank you very much, your  
3 Honor, and I appreciate your seeing us early.

4           THE COURT: All right. I don't know  
5 whether -- do we have any other issues before we go  
6 forward with openings and do we have all our jurors?

7           MR. DeLUCIA: Not on our side, your Honor.  
8 Thanks.

9           MR. DESMARAIS: There will be an issue for  
10 the first Cordis witness, who's going on first thing  
11 tomorrow morning, but we don't need to bring it up now.  
12 I just want to alert you we would like some of your  
13 time before tomorrow morning.

14           MR. DISKANT: There will also be an issue  
15 on their third witness. Why tell you all your problems  
16 now.

17           THE COURT: All right. Well, as long as we  
18 have some time.

19           Is Cordis' witness going out of order?

20           MR. DESMARAIS: They're going out of order.

21           THE COURT: Or are we going extremely  
22 quickly in this case?

23           MR. DESMARAIS: No. We're going out of  
24 order. Although Mr. Diskant wouldn't agree to do that in  
25 the last case, I did agree to do it in this case.

**6/28/2005 Trial Transcript (Jang) E**

1 - VOLUME E -  
2  
3 IN THE UNITED STATES DISTRICT COURT  
4 IN AND FOR THE DISTRICT OF DELAWARE  
5 -----  
6 BOSTON SCIENTIFIC CORPORATION, : CIVIL ACTION  
7 Plaintiff :  
8 vs. :  
9 CORDIS CORPORATION and :  
10 JOHNSON & JOHNSON, INC., :  
11 :  
12 Defendants : NO. 03-27 (SLR)  
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14 BOSTON SCIENTIFIC SCIMED, INC., : CIVIL ACTION  
15 and BOSTON SCIENTIFIC :  
16 CORPORATION, :  
17 :  
18 Plaintiffs :  
19 vs. :  
20 :  
21 CORDIS CORPORATION and :  
22 JOHNSON & JOHNSON, INC., :  
23 :  
24 Defendants : NO. 03-283 (SLR)  
25 -----  
26 Wilmington, Delaware  
27 Tuesday, June 28, 2005  
28 9:28 o'clock, a.m.  
29 -----  
30 BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge, and a jury  
31 -----  
32 Valerie J. Gunning and  
33 Leonard A. Dibbs,  
34 Official Court Reporters  
35

**6/28/2005 Trial Transcript (Jang) E**

1 referring to documents. I don't intend to offer all the  
2 documents. It's just one I intend to offer, which is  
3 what they used to answer the Interrogatory.

4 MR. DISKANT: May I have a copy?

5 MR. DESMARAIS: It's the same one I used with  
6 Anderson (handing documents to Mr. Diskant).

7 And that's the same document I tried to get  
8 through Mr. Anderson in cross, where Mr. Diskant said he  
9 had no objection to the document, but I shouldn't use it  
10 with Mr. Anderson because Mr. Anderson didn't know about  
11 it.

12 And your Honor said, well, we won't admit it  
13 now because Mr. Anderson doesn't know about it. And  
14 then we didn't close the case. The record was left open.  
15 I should get this document in.

16 THE COURT: All right. Speaking of Dr. Jang,  
17 I need Boston Scientific's counsel to make a  
18 representation on the record or to file an affidavit that  
19 Dr. Jang, in fact, has been informed of my position in  
20 this case. I actually want to make sure that that  
21 happened, that he understands that he has the  
22 opportunity to -- he had the opportunity to participate  
23 and he has declined to do so.

24 MR. DESMARAIS: I'm happy to make that on  
25 the record, your Honor. I can do it right now if you

**6/28/2005 Trial Transcript (Jang) E**

1 want me to.

2 THE COURT: All right. That's fine.

3 MR. DESMARAIS: We sent him a copy of the  
4 transcript of your Honor's comments right after you  
5 told us to do it. That very night I think we sent it  
6 to him, right after we got the transcript, where you  
7 said you wanted him to know that he's invited to come.  
8 We sent that to him. There was communication directly  
9 with him. He has chosen voluntarily not to be here.

10 THE COURT: All right. I also want to make  
11 sure, we kind of keep changing the rules. We have an  
12 expert on the stand. At some point he'll be on cross.  
13 Dr. Storey was not only directed to answer yes or no,  
14 but was not -- was directed not to issue his explanation  
15 except on redirect.

16 I just want to make sure we're all playing  
17 by the same rules with this witness as well, as I recall  
18 this witness' cross last time. Yes or no? Any  
19 explanation on redirect. Just want to make sure we are  
20 all playing on the same rules.

21 MR. DISKANT: Thank you, your Honor.

22 (Luncheon recess taken.)

23 - - -

24

25

6/28/2005 Trial Transcript (Jang) E

1

2 AFTERNOON SESSION

3

4 (Proceedings resumed at 1:35 p.m., and the  
5 following occurred without the presence of the jury.)

6

7 THE COURT: In terms of this document, I'm  
8 trying to figure out what the relevance it is setting  
9 aside whether the record was open or not, what relevance  
10 does it have?

11 MR. DESMARAIS: Yes, your Honor. It shows --  
12 if you look at the first page of it --

13 THE COURT: Well, there is only one page.

14 MR. DESMARAIS: I guess there are two sides.  
15 I'm sorry.

16 THE COURT: Oh, there is?

17 MR. DESMARAIS: If you look right on this  
18 section here, it shows that on April 25th, 1998, Patrick  
19 O'Neill from Cordis sent an e-mail to Dr. Jang saying  
20 we did receive the samples. They are in the hands of  
21 my stent group. That was two months before Cordis  
22 changed the BX Velocity to include the offset curving  
23 connectors.

24 THE COURT: Right. But there is no  
25 allegation in the case having to do with copying, so,